

REMARKS

Claims 1; 2; 3; 4; 5; and 13 have been amended. New dependent method claim 16 has been added.

Claims 1-5 and 7-16 remain in the application. Claim 1 is the sole independent apparatus claim.

Reexamination and reconsideration are respectfully requested in view of the amendments and the remarks that follow.

Claims 1, as amended, addresses the Examiner's rejection based upon 35 U.S.C. § 101. The housing is structurally defines as being sized and configured for placement during use on a chest or near a sternum. This comprises a structural definition and relating to size and configuration and does not include a chest or sternum as part of the claimed invention. Further, the "being worn" claim language has been removed, and the claim now structurally defines a strap assembly affixed to interior and/or superior edge portions of the housing. As further structurally defined in amended claim 1, the strap assembly is substantially free of components affixed to the lateral side portions of the housing.

Claims 1-5 and 7-15 stand rejected under 35 U.S.C. § 103 (a) as being unpatentable over Talish et al. (6,432,070) in view of Peterson et al. (6,126,619). Applicant respectfully traverses these rejections. Talish does not teach or suggest a strap assembly, as defined in amended claim 1, that is affixed to interior and/or superior edge portions of the housing, and that is substantially free of components affixed to the lateral side portions of the housing to not impede placement of another treatment device alongside the housing during use. In Talish (Fig. 2), the strap assembly includes components that are affixed to the side portions of the housing. Indeed, these side components extend entirely across the chest of the individual, so that it is not possible to place another treatment device alongside the housing during use, as further defined in new dependent method claim 16. Peterson also does not teach or suggest a strap assembly as defined in amended claim 1 affixed substantially only to interior and/or superior edge portions of the housing to stabilize the housing during application of ultrasound energy.

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For these reasons, Applicant believes that claims 1-5 and 7-16 are in condition for allowance.

Respectfully Submitted,

By

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